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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 DANIEL TOMAS FUENTE SERRANO  
27758 Santa Margarita Parkway, #118  
Mission Viejo, CA 92691-6709

14 Registered Nurse License No. 634928

15 Respondent.

Case No. 2008-80

OAH No.

**ACCUSATION**

16  
17 Complainant alleges:

18 PARTIES

19 1. Ruth Ann Terry, M.P.H., R.N., Executive Officer (Complainant) brings  
20 this Accusation solely in her official capacity as the Executive Officer of the Board of Registered  
21 Nursing (Board), Department of Consumer Affairs.

22 2. On or about March 24, 2004, the Board issued Registered Nursing License  
23 No. 634928 to Daniel Tomas Fuente Serrano (Respondent). The Registered Nursing License was  
24 in full force and effect at all times relevant to the charges brought herein and expired on July 31,  
25 2007.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the  
28 following laws. All section references are to the Business and Professions Code unless otherwise

1 indicated.

2 STATUTORY PROVISIONS

3 4. Section 2750 of the Business and Professions Code (Code) provides, in  
4 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
5 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
6 2750) of the Nursing Practice Act.

7 5. Section 2764 of the Code provides, in pertinent part, that the expiration of  
8 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
9 against the licensee or to render a decision imposing discipline on the license. Under section  
10 2811(b) of the Code, the Board may renew an expired license at any time within eight years after  
11 the expiration.

12 6. Section 2761 of the Code states:

13 "The board may take disciplinary action against a certified or licensed nurse or  
14 deny an application for a certificate or license for any of the following:

15 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

16 . . . .

17 "(f) Conviction of a felony or of any offense substantially related to the  
18 qualifications, functions, and duties of a registered nurse, in which event the record of the  
19 conviction shall be conclusive evidence thereof."

20 7. Section 490 of the Code states:

21 "A board may suspend or revoke a license on the ground that the licensee has  
22 been convicted of a crime, if the crime is substantially related to the qualifications, functions, or  
23 duties of the business or profession for which the license was issued. A conviction within the  
24 meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo  
25 contendere. Any action which a board is permitted to take following the establishment of a  
26 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has  
27 been affirmed on appeal, or when an order granting probation is made suspending the imposition  
28 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the

1 Penal Code.”

2                   8.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
3 request the administrative law judge to direct a licensee found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crimes)

9. Respondent is subject to disciplinary action under sections 2761, subdivision (f) and 490, in that March 16, 2005, Respondent was convicted of one felony count of violating 21 U.S.C. section 331 (Prohibited Acts), and 18 U.S.C. sections 371 (Conspiracy to Commit Offense or to Defraud United States), and 545 (Smuggling Goods into the United States) in a proceeding entitled *United States of America v. Daniel Tomas Fuente Serrano*, Case No. CR05-118-GPS. The circumstances surrounding the conviction are that in or around June, 2003, Respondent, while holding himself out as a medical doctor, injected others with Artecoll, a permanent soft tissue filler, which in the case of at least one individual, resulted in sickness and permanent damage. As a result of the conviction, Respondent was committed to the custody of the Bureau of Prisons for eighteen (18) months and subject to supervised release for three (3) years.

## SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

21                    10.       Respondent is subject to disciplinary action under sections 2761,  
22   subdivision (a) on the grounds of unprofessional conduct for the reasons specified in paragraph  
23   no. 9.

## PRAYER

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
26 alleged, and that following the hearing, the Board issue a decision:

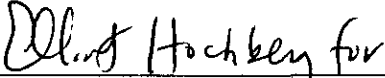
27 1. Revoking or suspending Registered Nursing License No. 634928 issued to  
28 Daniel Tomas Fuente Serrano;

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2. Ordering Daniel Tomas Fuente Serrano to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/5/07

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

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